

REMARKS

Claims 38-47, 49-69 and 71-74 are pending. Reconsideration of the remaining claims is respectfully requested based on a new Affidavit under 37 CRF §1.131 and the remarks below.

The Declaration under 37 CRF §1.131 is Properly Submitted and Sufficient to Antedate All References Published on or Subsequent to March 4, 2004

The attached Declaration under 37 CRF §1.131 is properly and timely submitted under a number of good and sufficient reasons including:

- (1) it is filed in response to art presented to Applicants for the first time in the March 2, 2007 Final Office Action;
- (2) it is filed in response to Advisory Action's (mailed April 2, 2007) refusal to acknowledge that, under the present circumstances, one of ordinary skill in the art would recognize that a field described as an estimated price is not likely an "AVM price", which is a fact clearly established given both the SQL database Exhibit and specific statements by Applicant Mario A. Villena (paragraph 6) made under oath and penalty of perjury under Title 18 of the United States Code, Section 1001;
- (3) the Advisory Action's apparent and surprising demand for semantic precision; and
- (4) statements made in the Advisory Action that do not conform with settled law and procedure.

The Exhibit of the new/replacement Declaration under 37 CRF §1.131 is representative of a later revision of the SQL code presented in the first 37 CRF §1.131 Exhibit, but which still antedates all references prior to March 4, 2004. It may be appreciated that both the first and new

Exhibits are stored using a system known as “Visual Source Safe” (VSS), which precludes Applicants from changing dates and content of previously archived data.

As with the first Exhibit, the new Exhibit has its dates removed. Applicants assert that such a redaction is acceptable practice with the USPTO.

Also note that the statement made in the Advisory Action regarding the timeframe in which the present Application was drafted (i.e., the summer of 2004) is immaterial for a Declaration under 37 CFR §1.131 as such Declarations are concerned with dates of conception or reduction to practice, not the drafting or filing dates of an application (except in certain limited circumstances, e.g., rejections under 35 USC §102(b)).

Accordingly, Applicants respectfully assert that the new Declaration under 37 CFR §1.131, which depicts *inter alia* a SQL database entitled “PropertyListings” having a data field entitled “AVMPrice”, fully discloses a database capable of being queried and having a field for “AVM Price” data even those not of ordinary skill in the art and even if one were to totally disregard the statements made under oath in the accompanying 1.131 Declaration.

The Claims are Directed to
Patentable Subject Matter Under 35 USC §103(a)

The Office Action rejects claims 38-45, 49-65 and 68-74 under 35 USC §103(a) over Metropolitan Regional Information, Inc (hereinafter “MRIS”) in view of a March 2004 article entitled “Here’s How to Calculate Home Value” by Holden Lewis (hereinafter “Lewis”); rejects claims 46-48 under 35 USC §103(a) over MRIS in view of Lewis and Du (United States Pat. No 6,836,270); and rejects claims 66-67 under 35 USC §103(a) over an April 2004 article about Fairfax County Property Assessment (hereinafter “FCPA”) in view of an article entitled

“Appraisers Learning to Live With Black Box Technology” by Lawrence Quinn (hereinafter “Quinn”).

These rejections are moot in view of an accompanying Declaration under 37 CFR §1.131 (with Exhibit and Attachment), which places the date of invention before the March 2004 publication date of the Lewis article as well as before the April 2006 publication date of the FCPA article. Accordingly, as the Lewis and FCPA articles may no longer be applied to any of claims 38-74, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103(a).

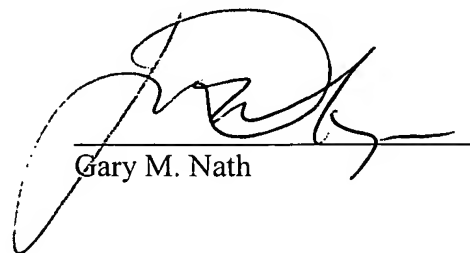
Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited. Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is welcomed to contact the undersigned attorney at the below-listed number and address.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

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